



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003568
Applicant Name: Tiffany McClurg for Cingular Wireless
Address of Proposal: 1005 Terrace Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to allow expansion of a minor communication utility (Cingular Wireless) consisting of a total of nine panel antennas mounted to rooftop penthouse on a three sector array (three antennas per sector), of an existing apartment building. Project includes installation of equipment cabinets on the rooftop within a screening enclosure.

The following approvals are required:

Administrative Conditional Use Review - To allow a minor communication utility in a Multifamily Lowrise family zone. Section 23.57.011.B, Seattle Municipal Code

SEPA - Environmental Determination - *Chapter 25.05*, Seattle Municipal Code ("SMC")

SEPA DETERMINATION: ☐ EXEMPT ☒ DNS ☐ EIS

☒ DNS with conditions

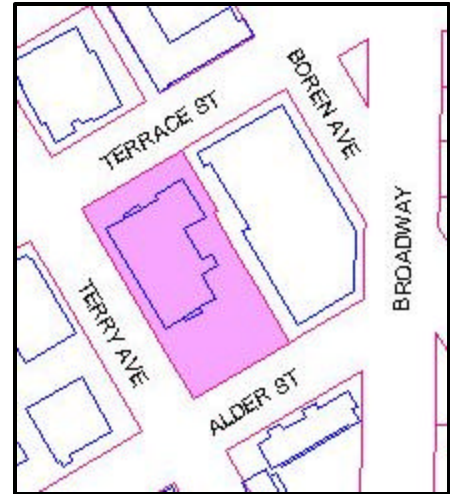
☐ DNS involving non-exempt grading or demolition
involving another agency with jurisdiction

* Early Notice DNS published January 5, 2006

BACKGROUND DATA

Site Location and Description

The development site occupies the west half of a block bonded by Terrace Street to the north, Terry Avenue to the west, and Alder Street to the south in the First Hill neighborhood. The site is nearly rectangular in shape and contains a land area of approximately 29,262 square feet. The subject site is modestly sloped, with a 12 foot elevation change over a distance of 240 feet. The site is developed with an existing twelve-story apartment building. The existing building is non-conforming as to height. The building was constructed in 1967, and is nonconforming to current land use multifamily development standards; and as such, any new development activity shall not increase the extent of the existing nonconformity. The site is fully developed with the aforementioned building occupying a significant portion of the development site, modest landscaping and accessory surface parking. The rooftop features an existing minor communication utility (Cingular Wireless) located in essentially the same location, with accessory equipment cabinets also located on the rooftop, and twelve antennas mounted on four sectors (three antennas per sector) by another provider. All street frontages abutting the subject lot are fully development streets with curbs, sidewalk, etc. Access to the surface parking lot is primarily obtained through a curb cut along Alder Street. The development site is zoned Multi-family Midrise (MR), with a height limit of 60 feet. The site is also located within First Hill Urban Center Village, and is not mapped or otherwise known to be in a designated environmentally critical area within the City of Seattle.



The eastern half of the block, as well as the land across Terry Avenue to the west, is zoned Midrise with a Major Institution Overlay (MIO) with a 105 foot height limit and occupied by uses associated with Harborview Hospital. The land across Terrace Street to the north and northwest is zoned Midrise and occupied by apartment buildings.

Proposal Description

This Master Use Permit Application proposes to upgrade an existing minor communication utility (Cingular Wireless) on the roof of an existing apartment building. The project includes replacing six old antennas with six new and three additional antennas, for a total of nine antennas, mounted to the side of a rooftop elevator penthouse into three sectors near the center of the building. The antenna array will be encased within a faux penthouse shroud compatible with the existing building. The accessory equipment cabinets will also be located on the rooftop within a protective screening shroud.

The highest portion of the proposed minor utility and screening is proposed to be approximately 125 feet above average existing grade, flush mounted to the top of the existing penthouse. The height limit for the MR zone is 60 feet above grade and may extend to 65 feet with a pitched roof that has a minimum slope of 3:12. Approval through an Administrative Conditional Use Permit is required for establishing or expanding a minor communication utility in a residential zone above the zoned height limit, which is one component of this review.

Public Comment

Date of Notice of Application: January 5, 2006
Date End of Comment Period: January 18, 2006

Letters 0

Issues: No public comment letters were received by DPD, during the comment period.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Section 23.57.011.B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Multifamily Midrise Zone with the approval of an administrative conditional use permit when the establishment or expansion of a minor communication utility regulated pursuant to Section 23.57.002, meets the development standards of subsection C and the requirements of this section enumerated below:

1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

The applicant's plans depict a thoughtful integration of the telecommunication facility into the architectural design of the existing building. By proposing a screening technique that employs a faux penthouse presence that is generally compatible with the existing architectural treatment throughout the building's exterior, the proposal is designed to a cohesive relationship with the architectural scheme of the existing building. Architecturally, this screening technique, mounted to the side of rooftop penthouses, effectively harmonizes with the existing building. The three sector array supporting nine antennas is proposed to be located on the rooftop, within an enclosed shroud approximately 21 feet above roof elevation.

The proposed nine antennas will be flush mounted to a penthouse on the rooftop, within an enclosed shroud approximately 21 feet above roof elevation near the center of the building. As viewed from abutting properties the screening casing (faux penthouse) housing the panel antennas, on face appearance, will look and appear to function like exterior walls to mechanical equipment penthouses. Views from neighboring residential properties will not be further impacted by the addition of the utility. The applicant has provided photographic simulated evidence suggesting that the visual intrusion would not be increased and would be minor in scope.

The site was chosen based on height and location considerations within this residential area to maximize coverage to subscribers in a design that would minimize visual intrusion on neighboring properties. The proposed minor communication utility is not likely to result in substantially detrimental compatibility impacts to the existing neighborhood. Neighbors and tenants of the host building will not likely be impacted any further with the utility's upgrade.

Once the upgrade is completed there will be no additional visual impacts. As a result of the expansion, wireless communication coverage in the area will be improved this will likely be beneficial to many residents and visitors to the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and any noise associated with the equipment cabinet will be shielded by the walls of the room in which it is to be located within the apartment building's basement level. No dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

As proposed, the minor communications utility will not constitute a commercial intrusion that will be substantially detrimental to the residential character of the surrounding neighborhood. The submitted documents and plans note that the proposed devices will be painted to match the existing color palette of the existing building. Given these existing conditions and additional camouflaging screening techniques of the antennas encased within the screening shroud to match the surface of the façade; and the location of the associated equipment cabinet within the basement, the proposed minor communications utility would be minimally obtrusive and not detrimental to the residential streetscape character along Terry Avenue, Alder Street, and Terrace Street.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible in the form of a faux penthouse exterior shell, flush mounted to the existing penthouse walls and would be painted to match the building. It will be designed to resemble the existing treatments on the structure's façade and be in keeping with other roof features in order to screen and camouflage the antenna location. The proposed faux form like screening of the antennas and related equipment would blend with the color of the building and is a condition of approval of this permit. The associated cabinet equipment will be located behind a screening wall in the existing retrofitted equipment room on the rooftop and shall pose no additional visual impacts to neighboring properties. The equipment cabinet will be placed behind partitioned walls. Because of this treatment, as well as the setback from other buildings and the height from the street, the visual impact of the proposed facility would be minimal.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

- a. *the antenna is at least one hundred feet (100') from a MIO boundary; and*
- b. *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay; therefore, this provision is not applicable.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The location of the minor communication antenna will be on an existing non-conforming building. The height limit in a Midrise zone is 60 feet. The bottom of the parapet on the existing building is approximately 106 feet above the ground, while the height to the top of the existing penthouse is approximately 125 feet above the ground. The operational characteristics of wireless facilities require a clear “line of sight” from the antennas to the coverage objective to assure quality of the transmission of the signal. Generally, in order to be an acceptable location of wireless antennas, the tallest building without obstruction within coverage area is necessary to assure the quality of the signal to be transmitted. The applicant selected this location based on a Radiofrequency engineering evaluation that showed the “line of sight” to the coverage objective. The proposed facility would serve the immediate Capitol Hill area, as well as providing connection to adjoining antenna sites for Cingular Wireless. This location and height are necessary to provide seamless service throughout their network. The proposed height of the minor communication utility meets the exception criteria permitted under SMC 23.57.011.C.2. Therefore, the proposal complies with this criterion.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility is not proposed for a new freestanding transmission tower. Therefore, this provision does not apply.

SUMMARY

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to install a minor communication utility in a Multifamily Lowrise zone, which is above the height limit of the underlying zone, is **APPROVED**.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Tiffany McClurg dated December 12, 2005. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

Short-Term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

Construction Noise

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of construction to mitigate adverse noise impacts. Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. It is also

recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, does not warrant any conditioning to mitigate for adverse impacts.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

N/A

SEPA CONDITIONS

During Construction: The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: May 4, 2006
Bradley Wilburn, Land Use Planner
Department of Planning and Development